

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RONNIE ARTURO GODOY	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-493
WARDEN LARA	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Ronnie Arturo Godoy, an inmate confined at USP Beaumont, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the petition be dismissed for failure to exhaust administrative remedies.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Petitioner filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration of the objections and responses thereto, the court finds petitioner’s objections lacking in merit. The competent summary judgment evidence demonstrates petitioner has not exhausted his administrative remedies with respect to the disciplinary rehearing. *See Cartwright v. Outlaw*, No. 05-CV-797, 2007 WL 2317241, at *1 (E.D. Tex. Aug. 8, 2007) (not designated for publication) (dismissing § 2241 petition where the inmate did not exhaust administrative remedies after a rehearing because the rehearing “rendered moot” the initial disciplinary hearing). Petitioner has also failed to carry the burden of showing that the administrative remedies were either unavailable or otherwise inappropriate to the relief sought or that

exhausting his claims through the administrative process was futile. *Schipke v. Van Buren*, 239 F. App'x 85, 86 (5th Cir. Aug. 30, 2007) (not designated for publication).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So **ORDERED** and **SIGNED** this **1** day of **March, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge